

establishing a time limit within which to forward the packet stored in the memory to the network;

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monitoring an elapsed period of time while attempting to forward the packet stored in the memory to the network; and

canceling said attempting to forward the packet stored in the memory to the network, and replacing the packet stored in memory with a new packet when the elapsed period of time exceeds the time limit;

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said steps of monitoring, establishing the time limit, and determining whether to cancel forwarding the packet stored in memory occur only when the packet stored in the memory includes time-sensitive data.

REMARKS

New claim 28 has been added in accordance with the Examiner's indication of allowable subject matter. Applicant thanks the Examiner for indicating allowing subject matter.

In particular new claim 28 is a combination of claims 1 and 13. The Examiner has indicated that claim 13 contains allowable subject matter, and it is Applicant's position that claim 28 therefore contains allowable subject matter and is in condition for allowance.

Independent claims 1 and 15 have been rejected as being anticipated by Kudo.

Applicant notes that claims 1 and 15 set forth the step of providing a packet forwarding system and creating a packet at the packet forwarding system. The rejection equates element 14 in Figure 8 of Kudo with the packet forwarding system of the present invention. Applicant

has reviewed element 14 of Kudo, and notes that element 14 does not create packets. Instead element 14 receives packets from packet distributor 13, which receives packets from data bus interface 11 which receives packets from data bus 2-8. Therefore element 13 of Kudo is not equivalent to the packet forwarding system of claims 1 and 15. Kudo therefore cannot fully anticipate claims 1 and 15.

Claims 1 and 15 set forth the step of monitoring elapsed time while attempting to forward the packet stored in the memory of the packet forwarding system to the network. Applicant has reviewed Kudo, and notes that while Kudo describes discarding packets after the passage of time, Kudo does not indicate that this passage of time is while attempting to forward a packet. Applicant finds no teaching nor suggestion in Kudo of monitoring an elapsed period of time while attempting to forward a packet and therefore Kudo does not fully anticipate the monitoring of time step of claims 1 and 15. Claims 1 and 15 therefore define over Kudo.

Applicant's review of Kudo finds that Kudo teaches away from monitoring time while attempting to forward a packet. Kudo only indicates that when it is desired to discard packets, the discarding is done after a predetermined time. From Applicant's understanding of Kudo, the desire to discard packets only occurs when a buffer is full or is close to becoming full. Applicant notes that if packets come in to a buffer faster than they leave the buffer, the buffer will fill up. The desire to discard packets in Kudo is therefore independent of attempts to forward a packet. Kudo could be forwarding packets at the same time that the buffer is close to becoming full. Kudo would only then desire to discard packets, and would actually perform the discarding of the packets after the predetermined time.

Therefore the passage of time in Kudo is not “while attempting to forward a packet”, but instead the passage of time occurs after the buffer is full, and while packets could still be forwarded. The passage of time in Kudo could therefore occur while Kudo is still forwarding packets. Kudo’s passage of time is therefore different, and cannot anticipate, the monitoring of time in Claims 1 and 15. Applicant finds no indication or suggestion in Kudo which would lead a person of ordinary skill to monitor elapsed time during “attempting to forward a packet”, and therefore claims 1 and 15 cannot be obvious in view of Kudo.

Applicant further notes that the structure described in columns 1 - 4 of Kudo is not able to perform the discarding after a predetermined time, see column 4 lines 50 - 54. Therefore Kudo clearly admits that a person of ordinary skill would not be able to make and use a device or method as described in column lines 40 - 50. The reference of Kudo does not provide an enabling disclosure with regard to lines 40 - 50, and therefore this portion is not prior art to the present invention, see MPEP 2121.01. Claims 1 and 15 therefore further define over Kudo.

Applicant notes that claim 17 has been rejected as being anticipated by Kudo. Claim 17 depends from claim 16, and the Examiner has indicated that claim 16 contains allowable subject matter. It is Applicant’s position therefore that claim 17 should also be allowable.

Claim 24 sets forth receiving workstation packets at the packet forwarding system. These packets are set forth as being received from a workstation. The invention of claim 24 clearly distinguishes between two different types of packets, namely packets created at the packet forwarding system as set forth in claim 15, and workstation packets which are received at the packet forwarding system from a workstation. Kudo does not teach nor suggest two

different types of packets, where one packet is created at a packet forwarding system, and another packet is received at the packet forwarding system from a workstation. It appears that all of the packets in element 14 of Kudo are received from outside element 14. Therefore the step of creating one type of packet at a packet forwarding system, and receiving another type of packet at the packet forwarding system from a workstation is not taught nor suggested in Kudo. Claim 24 therefore further defines over Kudo.

The present invention relates to a different field than Kudo. In the preferred embodiment of the present invention, the packet forwarding system is placed between a workstation on a network and the remainder of the network. The packet forwarding system is part of a telephone, which in turn is part of a private branch exchange which uses the network to connect the individual phones of the private branch exchange (PBX). The present invention has a primary concern in forwarding packets before the time sensitive data in the packet expires. Kudo on the other hand, is concerned with preventing a plurality of buffers from overflowing and discarding the most recent packets. Kudo is therefore more concerned about which packets to discard, and the present invention is more concerned with determining when packets have expired. While both Kudo and the present invention may have some features in common, Kudo does not fully anticipate all the features of the present invention and leads a person of ordinary skill in the art to structure which solves a problem that is different from the problem addressed by the present invention.

If the Examiner has any comments or suggestions which would further favorable prosecution of this application, the Examiner is invited to contact Applicant's representative by

telephone to discuss possible changes.

At this time Applicant respectfully requests reconsideration of this application, and based on the above amendments and remarks, respectfully solicits allowance of this application.



Respectfully submitted
for Applicant,

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